

## Message Text

CONFIDENTIAL

PAGE 01 PARIS 11349 01 OF 02 061420Z  
ACTION EB-08

INFO OCT-01 EUR-12 IO-13 ISO-00 STRE-00 SSO-00 ICAE-00  
INRE-00 NSCE-00 AGRE-00 CEA-01 CIAE-00 COME-00  
DODE-00 FRB-03 H-01 INR-10 INT-05 L-03 LAB-04  
NSAE-00 PA-01 CTME-00 AID-05 SS-15 STR-07 ITC-01  
TRSE-00 SP-02 SOE-02 OMB-01 DOE-15 AF-10 ARA-10  
EA-10 NEA-10 OIC-02 /152 W  
-----017790 061436Z /47

O R 061412Z APR 78  
FM AMEMBASSY PARIS  
TO SECSTATE WASHDC IMMEDIATE 9691  
INFO AMEMBASSY COPENHAGEN  
USMISSION GENEVA

C O N F I D E N T I A L SECTION 01 OF 02 PARIS 11349

PASS STR ELECTRONICALLY EARLIEST APRIL 6  
FROM WOLFF FOR KELLY, LANDE, GRAHAM, DONALDSON

COPENHAGEN PASS STR DELEGATION

E.O. 11652: GDS  
TAGS: ETRD MTN  
SUBJECT: PRESIDENTIAL APPROVAL OF INDIAN AGREEMENT

1. IN MY VIEW, THE AGREEMENT IS DEFECTIVE IN SEVERAL  
RESPECTS. MOST SERIOUS ARE (1) THE ABSENCE OF BASIC  
ELEMENTS NECESSARY TO DEFEND AGREEMENT POLITICALLY  
(A QUID PRO QUO); (2) THE ABSENCE OF ANY REFERENCE TO  
A U.S. RIGHT OF WITHDRAWAL; (3) THE ABSENCE OF ADEQUATE  
IDENTIFICATION OF INDIAN CONTRIBUTIONS; AND (4) IN-  
CLUSION OF AN INDIAN CONDITION THAT THE U.S. BIND.  
IT IS POSSIBLE THAT THESE OMISSIONS COULD BE CORRECTED  
WITH SMALL TEXTUAL CHANGES IN THE LETTERS AND SUPPLE-  
MENTARY INFORMATION NOT NOW AVAILABLE. MEMO TO PRESI-  
DENT SHOULD ALSO BE CLEARED BY DONALDSON, WHO SHOULD  
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PAGE 02 PARIS 11349 01 OF 02 061420Z

ATTEST TO THE MEMBERS OF THE TRADE SUBCOMMITTEES' BEING  
INFORMED WITH RESPECT TO THE AGREEMENT, AS MEMORANDUM  
IMPLIES.

2. POINTS (1) AND (2) ABOVE MIGHT BE COVERED BY CHANGING  
WORDS IN LAST SENTENCE OF U.S. LETTER WHICH READ "IN  
RECOGNITION OF THE CONTENTS OF YOUR LETTER" TO FOLLOW-

ING: "RELYING UPON THE MEASURES CITED IN YOUR LETTER".  
THIS COULD PROVIDE AN INTERNATIONAL BASIS FOR WITH-  
DRAWAL OF CONCESSIONS IF INDIANS CHANGE MEASURES TO  
OUR DETRIMENT. IT AT LEAST IMPLIES THAT WE EXPECT THE  
INDIANS TO MAINTAIN THEIR CONCESSIONS, AND THAT WE ARE  
NOT REPEAT NOT GRANTING THE INDIANS CONCESSIONS FOR  
PAST BENEFITS RECEIVED. THE WORD "RECOGNITION" CARRIES  
STRONG CONNOTATION THAT U.S. IS MERELY PAYING FOR  
FAVORABLE TREATMENT GIVEN PRIOR TO DATE OF AGREEMENT.

3. LANDE SUGGESTION THAT INDIANS BE INFORMED OF TPSC  
PAPER STATEMENT ON U.S. RIGHT OF WITHDRAWAL IS USEFUL  
ADDITION BUT DOES NOT REPEAT NOT CURE PROBLEM.

4. SPECIFICITY OF INDIAN CONCESSIONS. REFERENCE MUST  
BE MADE TO SOME TEXT OF INDIAN MEASURES SO THAT IN  
FUTURE U.S. CAN ASSESS WHETHER INDIANS CONTINUED CON-  
CESSIONARY TREATMENT THAT WE EXPECTED. IF OUR RE-  
QUESTS WERE DETAILED ENOUGH, REFERENCE TO THEM MAY  
SUFFICE FOR SOME ITEMS.

5. POSSIBLE CONTRADICTION IS CONTAINED IN LAST SENTENCE  
OF INDIAN LETTER AND LAST PARAGRAPH OF U.S. LETTER.  
INDIAN LETTER STATES GOI "EXPECTS" GATT BINDING OF  
U.S. CONCESSIONS. U.S. LETTER REPLIES THAT QUESTION  
WILL BE ADDRESSED LATER. THIS BUILDS IN SEEDS OF  
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PAGE 03 PARIS 11349 01 OF 02 061420Z

FUTURE CONFLICT. IMPLICITLY, INDIANS HAVE CONDITIONED  
THEIR "CONCESSIONS" ON THE BINDING OF U.S. CONCESSIONS,  
BUT WE HAVE MADE NO UNDERTAKING TO BIND. CURE WOULD BE

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PAGE 01 PARIS 11349 02 OF 02 061420Z  
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FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 9692

INFO AMEMBASSY COPENHAGEN

USMISSION GENEVA

C O N F I D E N T I A L SECTION 02 OF 02 PARIS 11349

TO HAVE LAST SENTENCE IN INDIAN LETTER AMENDED TO READ:  
"MY GOVERNMENT FURTHER HOPES THAT YOUR GOVERNMENT WILL  
BIND THESE CONCESSIONS IN THE GATT."

6. WHILE LACK OF BALANCE IN TONE OF AGREEMENT WILL IN  
ANY EVENT BE HARD TO EXPLAIN DOMESTICALLY, ABOVE  
CHANGES WOULD IN MY VIEW PROVIDE MINIMUM BASIS FOR  
U.S. SIGNATURE AND IMPLEMENTATION OF U.S. CONCESSIONS.  
THESE SUGGESTIONS ARE HELD TO MINIMUM IN ORDER TO  
MAKE POSSIBLE MEETING NEGOTIATING REQUIREMENTS IN  
TIME ALLOTTED.

7. IN RECOGNITION OF NEED FOR CHANGES IN TEXT OF  
AGREEMENT, I SUGGEST THAT MEMORANDUM REQUESTING  
PRESIDENTIAL APPROVAL BE AMENDED BY CHANGING LEAD IN  
TO SECOND PARAGRAPH TO READ "THIS AGREEMENT, IN SUB-  
STANTIALLY FINAL FORM, CONSISTS OF AN EXCHANGE OF  
LETTERS," ETC.

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PAGE 02 PARIS 11349 02 OF 02 061420Z

8. IN VIEW OF FACT THAT AMBASSADOR STRAUSS' PRESENCE  
IN GENEVA APPEARS UNRELATED TO TIMING OF SIGNING, I  
SUGGEST THAT LAST SENTENCE OF OPENING PARAGRAPH OF  
MEMO TO PRESIDENT BE REVISED TO READ "WE EXPECT  
TO BE IN A POSITION TO SIGN THIS AGREEMENT  
IMMEDIATELY FOLLOWING YOUR APPROVAL." I AM UNAWARE OF  
NEED TO DEMAND IMMEDIATE PRESIDENTIAL ACTION WITHIN  
48 HOURS. WHILE WHITE HOUSE STAFF CAN BE URGED TO  
EXPEDITE MEMORANDUM, PRESIDENT SHOULD BE ALLOWED TIME  
FOR CONSIDERATION HE HAS REQUESTED WITH RESPECT ACTION  
ITEMS (10 DAYS) UNLESS OVERRIDING REASONS TO CONTRARY.

9. REVISED MEMORANDUM TO PRESIDENT COULD MOVE FORWARD  
IMMEDIATELY AND NECESSARY NEGOTIATING INSTRUCTIONS  
ISSUED IF YOU (KELLY, LANDE, GRAHAM, DONALDSON) CONCUR.  
HARTMAN

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENT DRAFT, TEXT, TRADE AGREEMENTS, AMENDMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 apr 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978PARIS11349  
**Document Source:** CORE  
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**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** GS  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780148-1224  
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**Litigation Codes:**  
**Litigation History:**  
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**Message ID:** 1a895cb5-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EB  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
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**Previous Classification:** CONFIDENTIAL  
**Previous Handling Restrictions:** n/a  
**Reference:** n/a  
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**Review Content Flags:**  
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**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3054184  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** PRESIDENTIAL APPROVAL OF INDIAN AGREEMENT  
**TAGS:** ETRD, US, IN, MTN  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014